

U.S. Serial No. 09/784,885
Response to Office Action Dated: 05/19/2004
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REMARKS

The present invention is directed to gasoline pump fuel compositions which are formulated to have total emissions (evaporative emissions plus combustive emissions) no higher than those which would be permissible under current regulations. Thus, the fuels are low emissions gasolines. The fuels are characterized by a particular compositional profile.

The unleaded gasoline pump fuels of the present invention have a $T_{10}^{\circ}\text{F}$ of < 140 (original claim 6), a $T_{50}^{\circ}\text{F}$ of $> 215 = < 220$ (original claim 6), a $T_{90}^{\circ}\text{F}$ of < 330 (original claim 6), preferably 315-330 (original claim 9), an RVP, psi of < 7.0 (original claim 6), preferably between 6.6 and 6.9 (original claim 8), most preferably 6.6 maximum (original claim 7), a sulfur content, ppmw of ≤ 50 (original claim 6), preferably ≤ 35 (original claims 9 and 10), more preferably not more than 25 (original claim 14); an oxygen content, wt% of ≤ 3.5 (original claim 6), preferably ≤ 2 (original claims 9 and 10); an aromatics content, vol% ≤ 35 (original claim 6), preferably not more than 28 (original claim 15), more preferably between 12 to 20 (original claims 12 and 13); an olefin content, vol% of ≤ 10 (original claims 6 and 10), a benzene content vol% of ≤ 1.0 (original claims 6 and 10), preferably not more than 0.8 (original claim 12), more preferably not more than 0.70 (original claim 13); a paraffins content, vol% of ≤ 75 (original claims 6 and 10), and an API gravity $^{\circ}$ of ≥ 59 (original claims 6 and 10).

The Examiner rejects claims 6-10, 12-14 and 16-19 under 35 USC § 112 first paragraph as failing to comply with the written description requirements, arguing that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Each rejected claim will be addressed in turn.

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Claim 6 was rejected because neither the specification nor the original claims support a fuel that set forth all the recited properties and wherein the oxygen content is 1.5-2.9.

Claim 6 has been amended in response to this rejection, reinserting the original oxygen content limitation of ≤ 3.5 . It has also been amended to recite that the aromatic content is not more than 28 vol%. This recitation that the aromatics content is not more than 28 vol% appears in original claim 15 which depended upon claim 9 which in turn depended on claim 6. Thus, this limitation is fully supplied by the specification as originally filled, appearing in an original claim and linking original claims 6, 9 and 15.

Claim 7 was rejected because neither the specification, the original claim nor claim 18 (now cancelled) support a first that set forth all of the recited properties and wherein the RVP maximum is 6.6 psi.

Claim 7 has been amended in response to the rejection making it dependent only on claim 6. Claim 7 is an original claim and the recitation that the RVP maximum is 6.6 psi appeared in claim 7 as originally drafted and presented. Claim 7 depends in claim 6 which has been amended to incorporate the limitation of claim 15 which itself was an original claim and depended on claim 9 which depended on claim 6. Thus, the recited limitations are linked.

Claim 8 was similarly rejected in its presentation of a RVP in the range 6.6 to 6.9 psi.

Claim 8 has been amended in response making it dependent only on claim 6, the claim it originally depended upon. Claim 8 is an original claim and in its original form recited that the fuel had a RVP of 6.6 to 6.9 psi. Claim 8 depends on claim 6 which has been amended to incorporate the limitation of claim 15 which itself was an

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original claim and dependent on claim 9 which depended on claim 6. Thus the recited limitations are linked.

Claim 9 was rejected in that the specification and claim did not support a fuel that set forth all of the recites properties and wherein the $T_{40}^{\circ}\text{F}$ is 315 to 325.

Claim 9 has been amend to put it into independent form and to incorporate all the limitation previously recited in original claim 9 which was dependent on original claim 6. Thus, the recitation in independnet claim 9 that the $T_{40}^{\circ}\text{F}$ is ≤ 140 comes from claim 6 upon which it originally depended, the recitation that the $T_{50}^{\circ}\text{F}$ is $> 215 = < 220$ comes from claim 6 upoin which it originally depended, the recitation that the $T_{90}^{\circ}\text{F}$ is 315-330 comes from the original language of original claim 9, the recitation that S. ppmw is ≤ 35 comes from the original language of claim 9, the recitation that the oxygen content is ≤ 2 wt% comes from the original language of claim 9, the recitation that the aromatics content is no more than 28 vol% comes from the incorporation of the limitation of original claim 15 which depended in original claim 9, the recitation of olefins, vol% ≤ 10 , of benzene vol% ≤ 1.0 , of paraffins, vol% ≤ 75 , of API° ≥ 59 and RVP, psi ≤ 7.0 all comes from original claims 6 upon which original claim 9 depended when in dependent form. Thus, every limitation recited in amended now independent claim 9 is directly traceable to claims 6, 9 and 15 as originally filed.

Claim 10 was rejected in it use of the term that the oxygen content is 1.5-2.9 wt%.

Claim 10 was an original claim and in its original form recited that the oxygen content was ≤ 3.5 wt%. In that form claim 10 was identified by the Examiner as containing allowable subject matter but was rejected as dependent on rejected claim 6. In amending claim 10 in the last offer action it was put into independent form but further amended to recite an oxygen content of 1.5-2.9.

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In the present amendment claim 10 has been cancelled. Claims 6 and 9 in amended form are believed to define allowable subject matter, claim 9 (now independent) now corresponding to previously allowable claim 10, but amended to recite an aromatic content of not more than 28 vol%, a limitation taken from original claim 15 which depended on original claim 9, which in turn depended on original claim 6.

Claim 12, 13 and 14 were rejected because neither the specification, the original claims nor any of the claims newly presented in the Amendment of January 23, 2004 set forth a fuel that met all the recited properties and the octane rating, aromatic content and benzene content (claims 12 and 13) or the sulfur content of not more than 25 ppmw (claim 14).

Claims 12, 13 and 14 have been amended to return their dependency to claim 9, the claim they originally depended on and also to restrict any further dependency only to claim 6.

Claims 12, 13 and 14 are originally filed claims and recite there original limitations. They originally depended on claim 9 and through claim 9 also depended on claim 6.

Thus, the claims do in fact find support in the specification as originally filed insofar as being original claim they are part of the specification.

Claims 16-19 are cancelled.

It is believed the claims remaining in the case are allowable. Insofar as original claim 10 (dependent on claim 6) had been identified as containing allowable subject matter and such subject matter of claim 10 is now presented in amended claim 9 (in independent form) incorporating the limitation of original claim 15 (dependent on

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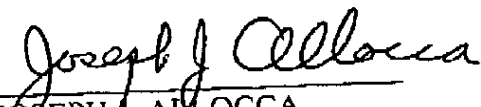
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claim 9), claim 9 and claim 6 and those claims dependent therein should be considered to contain allowable subject matter. None of these amendments re-expose the claims to the rejections withdrawn by the Examiner in the present office action and distinguish over USP 6,132,479.

It is believed these amendments to the claims and to the specification (deletion of three paragraphs added to the specification in the last Amendment) place the case in condition for allowance or at least in better condition for appeal.

It is requested that the Examiner reconsider the case in light of the amendments to the claims and the above remarks, that she withdraw the rejections, allow the claims and pass the case to issue in due course.

Respectfully submitted,


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☒ Pursuant to 37 CFR 1.34(a)

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